IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1596 of 2004

STATE OF RAJ.
V/S
M/S BRIJ ENTERPRISES

Ms. VIDYA BORA, Asst.G.A.,for the appellant / petitioner

Date of Order : 24.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The only submission made is that the arbitrator has wrongly decided issue no.1, inasmuch as, the final bill was prepared by Mr.V.L.Dhankar, which was bearing signatures of the contractor, and according to that bill, the amount payable was Rs.2,05,656/-, while the arbitrator has awarded the amount taking the final bill to be of Rs.3,16,555/-.

I have considered the submissions, and have gone through the award, and find that the arbitrator had found that the final bill was prepared for Rs.3,16,555/- on the basis of the measurements taken under signatures of the contractor, and thereafter, certain deductions were made by the department with respect to some earthwork, and thereupon the amount was reduced, which the department was not entitled to reduce. A look at the award of the arbitrator shows that the arbitrator has gone into detailed discussion of the evidence on record, and has arrived at the conclusions, as arrived at issue no.1. Learned Court below in para-8 has found, that the objections, raised by the department-appellant against the award, are not of the nature admissible under Section 34 of the New Act, or even under Section 30 of the Old Act, as it is not shown that the award suffers from any error apparent from the face of the record.

Before me also, learned counsel for the appellant has not been able to satisfy, as to how the findings of the arbitrator, or the learned Court below, are vitiated within the permissible scope.

The appeal thus, has no force, and is hereby dismissed summarily.

(N P GUPTA),J.

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